

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

MIKHAEL EL-BAYEH,)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO.
)	
MASSACHUSETTS DEPARTMENT OF)	
TRANSPORTATION; JONATHAN GULLIVER,)	
IN HIS INDIVIDUAL AND OFFICIAL)	
CAPACITY AS HIGHWAY ADMINISTRATOR)	
OF MASSACHUSETTS DEPARTMENT OF)	
TRANSPORTATION; COLLEEN OGILVIE, IN)	
HER INDIVIDUAL AND OFFICIAL CAPACITY)	
AS REGISTRAR OF MOTOR VEHICLES;)	
MASSACHUSETTS DEPARTMENT OF STATE)	
POLICE; CHRISTOPHER S. MASON, IN HIS)	
INDIVIDUAL AND OFFICIAL CAPACITY AS)	
COLONEL OF MASSACHUSETTS)	
DEPARTMENT OF STATE POLICE;)	
MICHAEL P. SIERRA, IN HIS INDIVIDUAL)	
CAPACITY,)	
Defendants.)	

NOTICE OF REMOVAL

Pursuant to 28 U.S.C., §§ 1331, 1441(a) and in compliance with 28 U.S.C., § 1446 the Defendant, Michael P. Sierra, hereby gives Notice of Removal to this Court of an action brought against him in the Massachusetts Superior Court for the Middlesex District. In support of its Notice of Removal, the Defendant states the following:

1. On or about September 21, 2021 the Plaintiff, Mikhael El-Bayeh, filed the removed action in the Middlesex Superior Court of the Commonwealth of Massachusetts. A copy of the Complaint in that action is attached hereto as Exhibit A. Mikhael El-Bayeh v. Massachusetts Department of Transportation, et al., 2181CV02077.

2. The removing party is one of five named Defendants in the above entitled action.
3. The removing Defendant is an individual who resides in the Eastern Division of the District of Massachusetts¹.
4. The Defendant Jonathan Gulliver resides within the Central Division of the District of Massachusetts. The Defendants Colleen Ogilvie and Christopher S. Mason reside within the Eastern Division of the District of Massachusetts. The Massachusetts Department of Transportation and the Massachusetts Department of State Police each have as their principal place of business an address within the Eastern Division of the District of Massachusetts.
5. The Plaintiff, Mikhael El-Bayeh, resides in the Eastern Division of the District of Massachusetts.
6. On or about September 27, 2021 a copy of the Complaint was served by way deputy sheriff the Defendant, Michael Sierra.
7. As of the date of this filing no responsive pleadings have been filed in state court by any Defendant.
8. This Notice of Removal is filed within thirty (30) days of receipt by the Defendant of the Complaint as served by the Plaintiffs and within one (1) year of the filing of the Complaint.
9. The above entitled action contains seven counts: 1) Request for a Declaratory Judgment for violations of 42 U.S.C., § 1983; 2) Request for Injunctive Relief, Writ of Mandamus and a claim pursuant to 42 U.S.C., § 1983; 3) Request for Injunctive Relief, Writ of Mandamus and a claim pursuant to 42 U.S.C., § 1983;

¹ The home addresses of the parties have been redacted from the Complaint. See Exhibit A.

- 4) Request for Injunctive Relief, Writ of Mandamus and a claim pursuant to 42 U.S.C., § 1983; 5) False Arrest, 42 U.S.C., § 1983; 6) Unlawful Issuance of a Violation, 42 U.S.C., § 1983 7) Right to Travel, 42 U.S.C., § 1983.
10. The court has jurisdiction over this dispute by virtue of 28 U.S.C. §§ 1331, 1441(c)(1)(A) and 1446.
11. Notice of Removal will be provided to counsel for all parties, and to the Plaintiff who is proceeding pro se, promptly after the filing of this notice.
12. A true and accurate copy of this Notice of Removal will be filed with the Clerk of the Middlesex Superior Court, Civil Division, for the Commonwealth of Massachusetts.
13. Pursuant to Local Rule 81.1, certified or attested copies of all records, proceedings, and docket entries in the state court will be filed in this Court within thirty (30) days.

WHEREFORE, the Defendant, Michael Sierra, hereby gives Notice of Removal of all claims against him in the matter captioned as Mikhael El-Bayeh v. Massachusetts Department of Transportation, et al., 2181CV02077 from the Middlesex Superior Court, Massachusetts to this Court.

The Defendant,
MICHAEL SIERRA,
By his attorneys,

ROGAL & DONNELLAN, P.C.

/s/ Joseph G. Donnellan
Joseph G. Donnellan, BBO# 558060
100 River Ridge Drive, Suite 203
Norwood, Massachusetts 02062
(781) 255-1200
jdonnellan@rogalanddonnellan.com

Dated: October 13, 2021

CERTIFICATE OF SERVICE

I, Joseph G. Donnellan, hereby certify that I served a copy of the foregoing NOTICE OF REMOVAL to all counsel of record, via ECF, and to those not so registered via email or 1st Class U.S. Mail, postage prepaid this 13th day of October, 2021.

/s/ Joseph G. Donnellan
Joseph G. Donnellan

U.S. Mail to:

Mikhael El-Bayeh
10 Dewey Ave
Woburn, MA 01801
pro se